APP NO 09/742,534

#8
J. Douglas
5/12/04

April 27, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Queue-based head-end advertisement scheduling method and apparatus

US File # 20020083442 Filed: December 21, 2000

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20020083442

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database created and maintained at the client level (Set Top Box [STB] or PVR) (0017) in a client-server ad delivery system. (0039) appropriate ads are selected through correlation of user profiles (that contain voluntary user actions) with the ad database. (0014) (0015) The ad databases of ARLs are created at a remote server and downloaded to storage (0015) at the STB connected to users' television monitors. Comparing ad profiles to profiles (Advertising Groups) (0031) (0045) containing information based on user history or other voluntary user actions or making a channel selection (Claim 6) is tantamount to placing a URL into a browser locator window, that makes a match with ad database data maintained at the computer STB in the remotely controlled and updated STB database and in the event a match is made by comparing, an appropriate advertisement is displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

This embodiment is described in Claims 1, 3, 4, 6, 13, 22, 28, 34, 49 and others. Basing ad display based upon profile comparisons, channel selections or other voluntary users' actions is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet or both, both are electronic communication networks. (0062) The system is described in paragraphs (0015) (0031) (0039) (0044) (0045) (0060) (0062) and others.

The abstract reads, in part, "A method and apparatus for scheduling and inserting advertisements into a plurality of presentation channels in a communications network in which the presentation channels contain the same programming, but different advertisements. A single programming channel is split

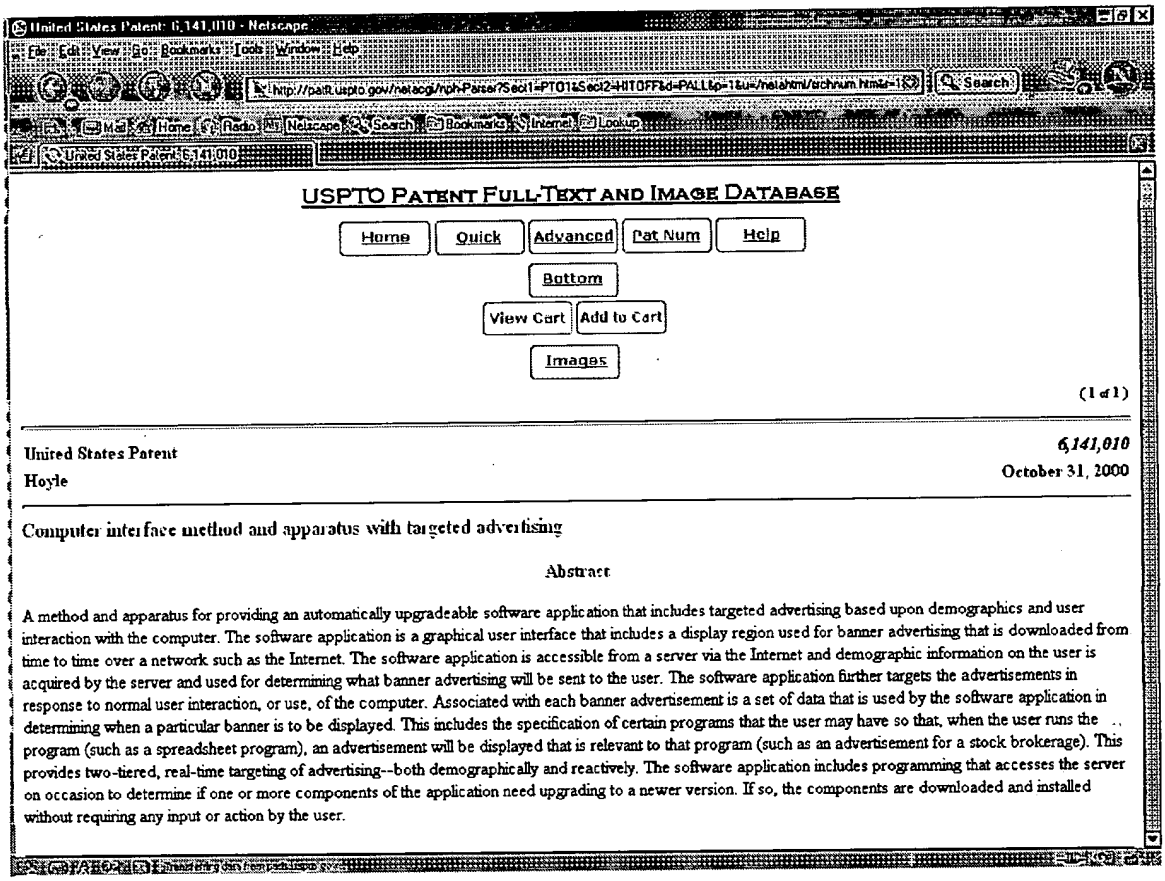
into a plurality of presentation channels. Different advertisements are inserted into the different presentation channels. The advertisements to be inserted into advertising avails are they are detected are determined by utilizing queues stored in memory corresponding to each presentation channel. Each queue comprises an ordered list of advertisement resource locators (ARLs), in which the order dictates which advertisement is to be inserted in the next advertising avail and in which the ARLs indicate at least the location from which the advertisement can be retrieved."

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that while prior art strictly based on VoD and TV, no prior art was submitted with this filing correlating to the internet and only some broad references to server profiling systems. The filers are correct that a targeted system based on program selections, profiles or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references that describe equivalent systems:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 12/21/2000 filing. The prior art listed all precede any references contained in this Application.

I believe the Examiner should look very closely at the Claims made and reject this Application based on the prior art herein submitted.



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United States Patent
Hoyle

6,141,010
October 31, 2000

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.